

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
(317) 232-9855

**FISCAL IMPACT STATEMENT**

**LS 7341**

**BILL NUMBER: HB 2124**

**DATE PREPARED:** Feb 13, 2001

**BILL AMENDED:** Feb 13, 2001

**SUBJECT:** Emergency Removal from Child Care.

**FISCAL ANALYST:** Kathy Norris

**PHONE NUMBER:** 234-1360

**FUNDS AFFECTED:** X

**GENERAL  
DEDICATED  
FEDERAL**

X

**IMPACT:** State

**Summary of Legislation:** (Amended) This bill allows the Division of Family and Children to provide for the emergency removal of children from a licensed or registered child care facility if the Division finds evidence of conditions that present an imminent risk to the health or safety of children at the facility. The bill specifies that the Division may not release a child who has been removed from a facility in an emergency situation without: (1) informing the child's parent or guardian that the child's removal from the facility was required due to an immediate risk to the health or safety of children at the facility; and (2) obtaining written acknowledgment from the parent or guardian regarding receipt of the information. It also requires the Division to notify parents when the situation that required emergency removal of children from a facility is remedied. The bill further allows the Division to issue cease and desist orders and to remove children from facilities operating illegally as child care centers or child care homes. The bill requires the Division to request assistance from law enforcement if physical obstruction is offered to prevent the removal of children. It also requires the Division to request that the Attorney General seek an injunction to prevent the operation of an illegal child care center or child care home until that facility receives the appropriate license.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** (Revised) This bill describes the duties of the Division in the instance of imminent risk to children in child care settings. The bill would require the Division to provide notice of the immediate risk to the parent or guardian of a child who was removed from a day care facility or home. The bill also requires the Division to obtain written acknowledgment from the parent or guardian. The bill further requires the Division to notify the parent or guardian of a child who was removed from a child care facility or home due to an immediate risk that the risk that required the removal of the child has been eliminated.

The number of notices to be sent and parental acknowledgments required to be obtained along with the related cost would be determined by the number of emergency situations arising that would require the removal of children from a child care center or home. The funds required should be available within the

Division's current level of funding.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Family and Social Services Administration, Division of Family and Children.

**Local Agencies Affected:**

**Information Sources:** Amy Brown, Legislative Liaison, Division of Family and Children, 232-4451.